

REMARKS

Claims 1 and 3-33 are pending in the application. Claims 30-33 are newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants would like to convey their appreciation to the Examiner for the Interview held with Applicants' representatives on August 3, 2005. During the interview, Applicants' representative argued that the Yamazaki reference (U.S. Patent No. 4,067,027), applied by the Examiner in the Office Action, does not disclose the use of reticle elements, as recited in the claims. The Examiner agreed with Applicants' representative on this point.

In the Office Action, the Examiner rejected claims 1, 3, 12-16 and 25-29 under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki. Applicants respectfully traverse the rejection for at least the following reasons.

The present invention relates to a binocular telescope with a photographing function. The binocular telescope of the present invention includes, inter alia, a pair of observation optical systems for which an interpupillary distance is adjusted, and a photographing optical system. The binocular telescope also includes a first focusing mechanism that focuses the pair of observation optical systems so as to observe an object through the pair of observation optical systems, a second focusing mechanism that focuses the photographing optical system so as to photograph the object through the photographing optical system, and a pair of reticle elements on which reticles are formed. The pair of reticle elements is provided in the pair of observation optical

P23759.A07

systems for focusing the pair of observation optical systems with a predetermined dioptric power during an operation of the first and second focusing mechanisms (see, for example, page 9, line 13 – page 10, line 1).

Each of the pair of reticle elements is arranged at an in-focus position of an objective lens system of the observation optical system. A position of an ocular lens system of the observation optical system is adjustable relative to the position of the reticle element so as to adjust the dioptric power. The binocular telescope also includes an interpupillary distance adjusting mechanism for adjusting the distance between the optical axes of the pair of observation optical systems (see, for example, page 10, lines 1-8).

When the optical axes of the pair of observation optical systems are made completely coincident with the interpupillary distance of the user by using the interpupillary distance adjusting mechanism so that reticle images of the pair of reticle elements are fused, the fused reticle images are geometrically non-coordinate with each other. The fused reticle images show point or line symmetry with respect to an imaginary optical axis, defined by superposing the optical axes of the pair of observation optical systems, when the reticle images are fused (see, for example, page 10, lines 9-15).

Yamazaki is directed to a binocular telescope containing a camera. However, Yamazaki's telescope does not include a pair of reticle elements, as currently recited in Applicants' independent claims 1 and 3. During the Interview held on August 3, 2005, Applicants' representative discussed this point with the Examiner. The Examiner

P23759.A07

agreed that Yamazaki's telescope does not include a pair of reticle elements, and agreed that the pending rejection of the claims over Yamazaki alone is improper.

For at least these reasons, Applicants respectfully submit that the 35 U.S.C. § 103(a) rejection of independent claims 1 and 3 as being obvious over Yamazaki is improper, and respectfully request withdrawal of this ground of rejection.

Dependent claims 12-16 and 25-33 are submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 1 and 3, and additionally, for the additional features set forth in each dependent claim.

In the Office Action, the Examiner rejected claims 4-11 and 17-24 under 35 U.S.C. § 103(a) as being unpatentable over Yamazaki in view of Land (U.S. Patent No. 3,622,242). Applicants respectfully traverse this ground of rejection for at least the following reasons.

Land is directed to a binocular rangefinder. The rangefinder 22 includes a left eyepiece 26, a right eyepiece 28, and reticle means 30. See Figure 1 and col. 2, lines 26-28. The reticle means 30 is located in a space between the eyepieces 26 and 28, and a virtual image of a reticle is superimposed on an observer's field of view by projecting light from the reticle means 30 to a partial mirror 44. The light is reflected toward a concave partial mirror 34, which focuses and reflects the light back to an eye position. See Figure 2 and col. 2, lines 46-54.

However, Applicants submit that Land's rangefinder does not include an interpupillary distance adjusting mechanism that adjusts the distance between the optical axes of the eyepieces 26 and 28. Rather, Applicants submit that the distance

between the optical axes of the eyepieces 26 and 28 is fixed.

Yamazaki's binocular telescope includes a pair of rotary tubular member 1, 2 which are pivotally mounted to a central tubular element 3. See Figure 1 and col. 2, lines 7-8. The rotary tubular members 1, 2 each include an eyepiece 8. See Figure 1 and col. 2, lines 9-14.

Yamazaki discloses that the distance between the two eyepieces 8 is adjusted by manually pivotally turning the rotary tubular members 1, 2 of Yamazaki about tubular member 3. See col. 2, lines 55-58. Thus, Applicants submit that pivotally turning the rotary tubular members 1, 2 about tubular member 3 results in both a horizontal and a vertical displacement of the two eyepieces 8 with respect to the central tubular element 3.

Since the eyepieces 8 are adjusted with respect to the central tubular element 3, Applicants respectfully submit that Land's reticle means 30 cannot be physically combined with Yamazaki's telescope, as Land's reticle means 30 requires a fixed vertical and horizontal alignment with the eyepieces to function properly.

Further, Applicants respectfully submit that Land does not disclose or suggest that the reticle images are geometrically non-coordinate with each other, and show point or line symmetry with respect to an imaginary optical axis defined by superposing the optical axes of the eyepieces when the reticle images are fused, as recited in independent claims 1 and 3.

For at least these reasons, Applicants respectfully submit that the combination of Yamazaki and Land suggested by the Examiner fails to disclose or suggest at least a

P23759.A07

binocular telescope that includes a pair of reticle elements on which reticles are formed, and an interpupillary distance adjusting mechanism for adjusting the distance between the optical axes of a pair of observation optical systems, where fused reticle images are geometrically non-coordinate with each other and show point symmetry with respect to an imaginary optical axis when the reticle images are fused, as recited in independent claim 1.

Applicants also submit that the combination of Yamazaki and Land fails to disclose or suggest a binocular telescope that includes a pair of reticle elements on which reticles are formed, and an interpupillary distance adjusting mechanism for adjusting the distance between the optical axes of a pair of observation optical systems, where fused reticle images are geometrically non-coordinate with each other and show line symmetry with respect to an imaginary optical axis when the reticle images are fused, as recited in independent claim 3.

For at least these reasons, Applicants respectfully submit that independent claims 1 and 3 are allowable over the combination of Yamazaki and Land set forth by the Examiner.

Dependent claims 4-11, 17-24 and 30-33 are also submitted to be in condition for allowance for at least the reasons set forth with respect to independent claims 1 and 3.

Newly added dependent claims 30 and 31 recite that a shape of a reticle image of a first reticle element of the pair of reticle elements is different than a shape of a reticle image of a second reticle element of the pair of reticle

P23759.A07

elements. Applicants respectfully submit that the combination of Yamazaki and Land fails to disclose or suggest this feature.

Newly added dependent claims 32 and 33 recite that the association mechanism includes a rotary wheel cylinder, a first cam groove is formed on an interior surface of the rotary wheel cylinder to actuate the first focusing mechanism, and a second cam groove is formed on an exterior surface of the rotary wheel cylinder to actuate the second focusing mechanism. Applicants respectfully submit that the combination of Yamazaki and Land fails to disclose or suggest this feature as well.

Thus, Applicants respectfully submit that newly added dependent claims 30-33 are allowable for at least the above-noted additional reasons.

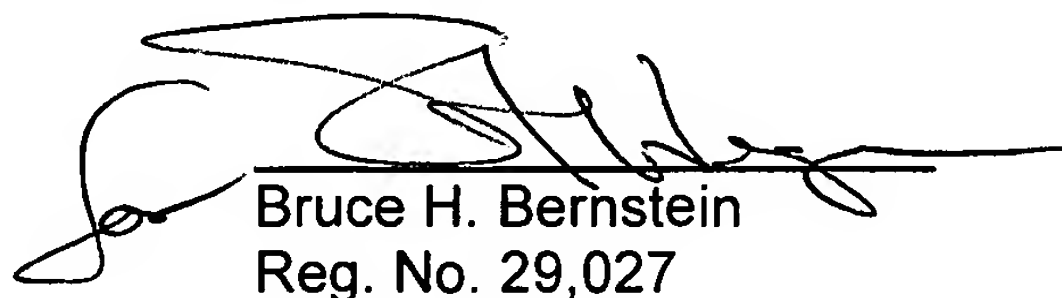
Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

SUMMARY AND CONCLUSION

Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believes that they have now done so.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Ken HIRUNUMA et al.



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

August 12, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191